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[Additional counsel appear on signature page]

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**IN RE GOOGLE PLAY STORE  
ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

*Epic Games, Inc. v. Google LLC et al.*, Case  
No. 3:20-cv-05671-JD

*In re Google Play Consumer Antitrust  
Litigation*, Case No. 3:20-cv-05761-JD

*State of Utah et al. v. Google LLC et al.*, Case  
No. 3:21-cv-05227-JD

*Match Group, LLC et al. v. Google LLC et al.*,  
Case No. 3:22-cv-02746-JD

Case No. 3:21-md-02981-JD

**DECLARATION OF LAUREN A.  
MOSKOWITZ IN SUPPORT OF  
PLAINTIFFS' MOTION PURSUANT TO  
RULE 37(c)(1) TO EXCLUDE TRIAL  
TESTIMONY BY CARSON OLIVER**

Judge: Hon. James Donato

1 I, Lauren A. Moskowitz, declare as follows:

2 1. I am a Partner at Cravath, Swaine & Moore LLP, counsel to Epic Games, Inc. (“Epic”)  
3 in the above-captioned actions.

4 2. I am admitted to appear before this Court *pro hac vice*. I submit this Declaration in  
5 support of Plaintiffs’ Motion Pursuant to Rule 37(c)(1) to Exclude Trial Testimony by Carson Oliver.

6 3. I have personal knowledge of the facts set forth in this Declaration except as stated  
7 otherwise. If called as a witness, I could and would competently testify to these facts under oath.

8 4. Google first served its Rule 26(a)(1) disclosures on November 9, 2020 and has amended  
9 its disclosures seven times since then, most recently on August 25, 2023. Mr. Oliver is not identified  
10 by name on any version of these Rule 26(a)(1) initial disclosures. Apple as an entity was listed, but  
11 not a single Apple employee was named.

12 5. While fact discovery was still open, Google served a document subpoena on Apple,  
13 pursuant to which Apple produced documents.

14 6. 113 fact witnesses have been deposed in this case. No Apple employee has been  
15 deposed in this MDL, including Mr. Oliver.

16 7. The Parties exchanged trial witness lists on July 27, August 24 and September 12, 2023.  
17 I have been told by counsel who participated in discussions concerning these exchanges that the Parties  
18 agreed to three rounds of witness disclosures so that each Party could respond to the previously  
19 exchanged disclosures by the other side as part of pre-trial exchanges.

20 8. Mr. Oliver was not listed on Google’s first witness list that was served on July 27, 2023.  
21 Nor was Mr. Oliver listed on Google’s second witness list it served on August 24, 2023, four weeks  
22 after receiving Plaintiffs’ first witness list. Mr. Oliver was not named as a witness until Google listed  
23 him as a witness Google “may call” in Google’s third witness list, served on September 12, 2023.  
24 Prior to September 12, 2023, no Apple witness had appeared on any of the Parties’ witness lists.



**E-FILING ATTESTATION**

I, Benjamin J. Cole, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Benjamin J. Cole

Benjamin J. Cole